FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3990 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. D.R. Shah for petitioners.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. RAE Suit No. 4792 of 1980 was decreed by the learned Judge of the Small Causes Court at Mumbai by judgment and order dated 2/9/2004. Being aggrieved by the said decree, the defendant no.2 filed Appeal No. 38 of 2005 before the Appellate Bench of the same Court. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 7/9/2006.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When

such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)